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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/602,721	06/25/2003	Chandra Mouli	M4065.0761/P761	9931
24998	7590	03/02/2005		EXAMINER
DICKSTEIN SHAPIRO MORIN & OSHINSKY LLP 2101 L Street, NW Washington, DC 20037			LEE, EUGENE	
			ART UNIT	PAPER NUMBER
			2815	

DATE MAILED: 03/02/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

AK

<b>Office Action Summary</b>	Application No.	Applicant(s)
	10/602,721	MOULI ET AL.
	Examiner	Art Unit
	Eugene Lee	2815

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) Responsive to communication(s) filed on 20 December 2004.
- 2a) This action is FINAL.                            2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) Claim(s) 1-37 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-37 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: \_\_\_\_\_

## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1 thru 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Koizumi et al. 6,661,459 B1 in view of Fossum et al. 5,055,900. Koizumi discloses (see, for example, FIG. 3) a pixel cell comprising a p-well (substrate) 102, transfer gate region (gate) 103, transfer transistor, and a photoelectric conversion element wherein the photoelectric conversion element comprises a p-layer (doped surface layer of a first conductivity type) 105, and n-layer (doped region of a second conductivity type) 106. Koizumi does not disclose a gate of a transistor formed at least partially below a surface of the substrate, and a channel region of the transistor located below the bottom surface of the gate. However, Fossum discloses (see, for example, FIG. 8(b)) a structure comprising a trench-defined electrode (gate) 105. A detection region (sensing node) 110 extracts a charge packet (channel) from the charge storage region 107. In column 3, lines 3-27, Fossum discloses that the trenches provide a longer path length for the photogeneration of carriers, which improves quantum efficiency in image sensing applications, and improved packing density. Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to have a gate of a transistor formed at least partially below a surface of the substrate, and a channel region of the transistor located below the bottom surface

of the gate in order to provide a longer path length for the photogeneration of carriers, which improves quantum efficiency in image sensing applications, and to improve packing density.

Regarding claim 3, see FIG. 3 wherein Koizumi discloses a p-layer 105 and n-layer 104 which collectively form a pinned photodiode.

Regarding claim 4, see column 4, line 19 wherein Koizumi discloses a transfer transistor.

Regarding claims 5, 6, 18, and 19, it has been held that a recitation with respect to the manner in which a claimed apparatus is intended to be employed (i.e. in a reset transistor or charge coupled device) does not differentiate the claimed apparatus from a prior art apparatus satisfying the claimed structural limitations, *Ex Parte Masham*, 2 USPQ F. 2d 1647 (1987).

Regarding claims 7 and 8, see FIG. 3 wherein Koizumi discloses a floating diffusion (sensing node) 107.

Regarding claim 9, Koizumi in view of Fossum does not disclose the doped surface layer having a thickness within the range of approximately 200 to approximately 2000 Å. However, the thickness of the doped surface layer is a result effective variable that one of ordinary skill in the art would optimize for forming the photodiode in a semiconductor device. Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention was made to have the doped surface layer have a thickness within the range of approximately 200 to approximately 2000 Å, in order to form an adequate photodiode in a semiconductor device, and since it has been held that discovering the optimum value of a result effective variable involves only routine skill in the art. *In re Boesch*, 617 F. 2d 272, 205 USPQ 215 (CCPA 1980).

Regarding claim 10, the implant dose is a product-by-process limitation of forming the doped surface layer. Such a process limitation does not impart any structural limitations to the final product.

Regarding claims 13 and 21, Koizumi in view of Fossum does not disclose the trench having a depth within the range of approximately 500 to approximately 2500 Å. However, the depth of the trench is a result effective variable that one of ordinary skill in the art would optimize for forming the transfer gate in a semiconductor device. Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention was made to have the trench have a depth within the range of approximately 500 to approximately 2500 Å in order to form an adequate gate in a semiconductor device, and since it has been held that discovering the optimum value of a result effective variable involves only routine skill in the art. *In re Boesch*, 617 F. 2d 272, 205 USPQ 215 (CCPA 1980).

Regarding claims 14 and 22, see FIG. 5 wherein Fossum discloses a silicon dioxide layer (insulating material) 57.

Regarding claims 15, 16, and 23, Koizumi in view of Fossum does not disclose the insulating material on the two lateral sides of the gate has a thickness within the range of approximately 20 to approximately 100 Å thick. However, the thickness of the insulating material is a result effective variable that one of ordinary skill in the art would optimize for affecting the operation of a transfer gate in a semiconductor device. Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention was made to have the insulating material on the two lateral sides of the gate has a thickness within the range of approximately 20 to approximately 100 Å thick in order to form an adequate gate insulating

material around the gate electrode, and since it has been held that discovering the optimum value of a result effective variable involves only routine skill in the art. *In re Boesch*, 617 F. 2d 272, 205 USPQ 215 (CCPA 1980).

3. Claims 24 thru 37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Koizumi et al. '459 B1 in view of Fossum et al. '900 as applied to claims 1-23 above, and further in view of Furumiya et al. 6,639,293 B2. Koizumi in view of Fossum does not disclose a processor. However, Furumiya discloses (see, for example FIG. 1) an analog signal processor 6 coupled to an imaging unit (imager) 2. In column 1, lines 2-5, Furumiya discloses the analog signal processor as amplifying and processing signals from selected pixels. Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to have a processor in order to amplify and process signal from the pixels.

Regarding claims 25 and 26, it has been held that a recitation with respect to the manner in which a claimed apparatus is intended to be employed (i.e. in a CMOS imager or charge coupled device imager) does not differentiate the claimed apparatus from a prior art apparatus satisfying the claimed structural limitations, *Ex Parte Masham*, 2 USPQ F. 2d 1647 (1987).

Regarding claim 28, see FIG. 3 wherein Koizumi discloses a p-layer 105 and n-layer 104 which collectively form a pinned photodiode.

Regarding claims 31 and 32, see FIG. 3 wherein Koizumi discloses a floating diffusion (sensing node) 107.

Regarding claim 33, Koizumi in view of Fossum in view of Furumiya does not disclose the doped surface layer having a thickness within the range of approximately 200 to

approximately 2000 Å. However, the thickness of the doped surface layer is a result effective variable that one of ordinary skill in the art would optimize for forming the photodiode in a semiconductor device. Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention was made to have the doped surface layer have a thickness within the range of approximately 200 to approximately 2000 Å, in order to form an adequate photodiode in a semiconductor device, and since it has been held that discovering the optimum value of a result effective variable involves only routine skill in the art. *In re Boesch*, 617 F. 2d 272, 205 USPQ 215 (CCPA 1980).

Regarding claim 36, Koizumi in view of Fossum in view of Furumiya does not disclose the trench having a depth within the range of approximately 500 to approximately 2500 Å. However, the depth of the trench is a result effective variable that one of ordinary skill in the art would optimize for affecting the transfer gate in a semiconductor device. Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention was made to have the trench having a depth within the range of approximately 500 to approximately 2500 Å in order to form an adequate gate in a semiconductor device, and since it has been held that discovering the optimum value of a result effective variable involves only routine skill in the art. *In re Boesch*, 617 F. 2d 272, 205 USPQ 215 (CCPA 1980).

*Response to Arguments*

4. Applicant's arguments with respect to claims 1-37 have been considered but are moot in view of the new ground(s) of rejection.

*Conclusion*

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

**INFORMATION ON HOW TO CONTACT THE USPTO**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Eugene Lee whose telephone number is 571-272-1733. The examiner can normally be reached on M-F 8-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tom Thomas can be reached on 571-272-1664. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Eugene Lee  
February 21, 2005

*Tom Thomas*  
TOM THOMAS  
SUPERVISORY PATENT EXAMINER